THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.30886 of 1998

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the impugned Resolution No.E.12 dated 14.9.1997 in resolving to change the designations of all the store keepers/store clerks of the hostel staff as Junior Assistants without preparing the seniority list of the existing Junior Assistants which is in contravention of all the relevant provisions of A.P. State and Subordinate Service Rules and A.P. Ministerial Service Rules as arbitrary and illegal.

It appears, petitioners were all appointed as Junior Assistants and working as such in S.V. University. While that being so, the Vice Chancellor through his proceedings dated 19.10.1997, as per the resolution of the executive council, ordered to change the designations of the posts of Games Boys/Reading Room Boys/Store Boys/Store Attenders to that of Attenders and also the posts of Store Keepers/Store Clerks changed to that of Junior Assistants. It is the grievance of the petitioners that in view of the said conversion, while preparing seniority list in the cadre of Junior Assistants, their interest will be marred, therefore, the impugned proceedings dated 19.10.1997 is arbitrary and illegal.

A detailed counter affidavit has been filed by the respondents stating that it is incorrect on the part of the petitioners to equate absorption with direct recruitment. The resolution dated 14.7.1997 is not contrary to A.P. State and Subordinate Service Rules and A.P. Ministerial Service Rules. For effecting absorption, the hostel employees need not have the qualifications prescribed for direct recruits and for the existing Junior Assistants, already a seniority list has been prepared. The writ petition is premature and the apprehension on the part of the petitioners cannot be a cause of action for filing the present writ petition.

This Court, while admitting the writ petition on 23.11.1998, ordered to maintain status quo as on 23.11.1998 with regard to seniority of the

petitioners, until further orders.

I am in full agreement with the contention of the respondents that this writ petition is filed by the petitioners on the mere apprehension that while store keepers/store clerks are to be converted as Junior Assistants, they would be losing seniority and such a conversion is not permissible without fixing the seniority of the petitioners. On the other hand, in the counter filed by the respondents, it is asserted that insofar as petitioners are concerned, a separate seniority list has already been prepared.

However, in view of the fact that the petitioners have made a representation dated 15.0.1997 in this regard, without expressing any opinion on merits, the respondent-University is directed to dispose of the said representation, as per law, after hearing the petitioners in this regard and pass appropriate orders within a period of (8) weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No order as to costs.

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C.V.RAMULU, J

Date: 1.8.2007

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W.P.No.30886 of 1998

1.8.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.30886 of 1998

Date: 1st August, 2007

Between:

Tirumalasetti Ravishankar & others.

.. Petitioners

And

S.V. University, Tirupati, rep. by its
Registrar, Tirupati & others.

.. Respondents